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UNITED STATES PATENT APPLICATION  
FOR  
SPINAL DISC ANNULUS RECONSTRUCTION METHOD  
AND SPINAL DISC ANNULUS STENT  
BY  
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10075645-021502

## DESCRIPTION

### SPINAL DISC ANNULUS RECONSTRUCTION METHOD AND SPINAL DISC ANNULUS STENT

#### Cross-Reference to a Related Application

[001] This application is a continuation-in-part of US Patent Application No. 09/947,078, filed September 5, 2001, <sup>now U.S. Patent Number 6,592,625,</sup> which is a continuation of U.S. Patent Application No. 09/484,706, <sup>now abandoned,</sup> filed January 18, 2000, which claims the benefit of U.S. Provisional Application No. 60/160,710, filed October 20, 1999.

#### Field of the Invention

[002] The invention generally relates to a surgical method of intervertebral disc wall reconstruction. The invention also relates to an annular repair device, or stent, for annular disc repair. The effects of said reconstruction are restoration of disc wall integrity and reduction of the failure rate (3-21%) of a common surgical procedure (disc fragment removal or discectomy). This surgical procedure is performed about 390,000 times annually in the United States.

#### Background of the Invention

[003] The spinal column is formed from a number of vertebrae, which in their normal state are separated from each other by cartilaginous intervertebral discs. The intervertebral disc acts in the spine as a crucial stabilizer, and as a mechanism for force distribution between the vertebral bodies. Without the disc, collapse of the intervertebral

space occurs in conjunction with abnormal joint mechanics and premature development of arthritic changes.

[004] The normal intervertebral disc has an outer ligamentous ring called the annulus surrounding the nucleus pulposus. The annulus binds the adjacent vertebrae together and is constituted of collagen fibers that are attached to the vertebrae and cross each other so that half of the individual fibers will tighten as the vertebrae are rotated in either direction, thus resisting twisting or torsional motion. The nucleus pulposus is constituted of loose tissue, having about 85% water content, which moves about during bending from front to back and from side to side,

[005] As people age, the annulus tends to thicken, desiccate, and become more rigid. The nucleus pulposus, in turn, becomes more viscous and less fluid and sometimes even dehydrates and contracts. The annulus also becomes susceptible to fracturing or fissuring. These fractures tend to occur all around the circumference of the annulus and can extend from both the outside of the annulus inwards, and the interior outward, Occasionally, a fissure from the outside of the annulus meets a fissure from the inside and results in a complete rent or tear through the annulus fibrosis, In situations like these, the nucleus pulposus may extrude out through the annulus wall. The extruded material, in turn, can impinge on the spinal cord or on the spinal nerve rootlet as it exits through the intervertebral disc foramen, resulting in a condition termed ruptured disc or herniated disc

[006] In the event of annulus rupture, the subannular nucleus pulposus migrates along the path of least resistance forcing the fissure to open further, allowing migration of the nucleus pulposus through the wall of the disc, with resultant nerve compression and

leakage of chemicals of inflammation into the space around the adjacent nerve roots supplying the extremities, bladder, bowel and genitalia. The usual effect of nerve compression and inflammation is intolerable back or neck pain, radiating into the extremities, with accompanying numbness, weakness, and in late stages, paralysis and muscle atrophy, and/or bladder and bowel incontinence. Additionally, injury, disease or other degenerative disorders may cause one or more of the intervertebral discs to shrink, collapse, deteriorate or become displaced, herniated, or otherwise damaged and compromised.

[007] The surgical standard of care for treatment of herniated, displaced or ruptured intervertebral discs is fragment removal and nerve decompression without a requirement to reconstruct the annular wall. While results are currently acceptable, they are not optimal. Various authors report 3.1- 21% recurrent disc herniation, representing a failure of the primary procedure and requiring re- operation for the same condition. An estimated 10% recurrence rate results in 39,000 re- operations in the United States each year.

[008] An additional method of relieving the symptoms is thermal annuloplasty, involving the heating of sub- annular zones in the non- herniated painful disc, seeking pain relief, but making no claim of reconstruction of the ruptured, discontinuous annulus wall.

[009] There is currently no known method of annulus reconstruction, either primarily or augmented with an annulus stent.

Brief Summary of the Invention

[010] The present invention provides methods and related materials for reconstruction of the disc wall in cases of displaced, herniated, ruptured, or otherwise damaged intervertebral discs.

5 [011] In an exemplary embodiment, one or more mild biodegradable surgical sutures are placed at about equal distances along the sides of a pathologic aperture in the ruptured disc wall (annulus) or along the sides of a surgical incision in the annular wall, which may be weakened or thinned.

10 [012] Sutures are then tied in such fashion as to draw together the sides of the aperture, effecting reapproximation or closure of the opening, to enhance natural healing and subsequent reconstruction by natural tissue (fibroblasts) crossing the now surgically narrowed gap in the disc annulus.

[013] A 25-30% reduction in the rate of recurrence of disc nucleus herniation through this aperture has been achieved using this method.

15 [014] In another embodiment, the method can be augmented by creating a subannular barrier in and across the aperture by placement of a patch of human muscle fascia (the membrane covering the muscle) or any other autograft, allograft, or xenograft acting as a bridge or a scaffold, providing a platform for traverse of fibroblasts or other normal cells of repair existing in and around the various layers of the disc annulus, prior to  
20 closure of the aperture.

[015] A 30-50% reduction in the rate of recurrence of disc herniation has been achieved using the aforementioned fascial augmentation with this embodiment.

[016] Having demonstrated that human muscle fascia is adaptable for annular reconstruction, other biocompatible membranes can be employed as a bridge, stent, patch or barrier to subsequent migration of the disc nucleus through the aperture. Such biocompatible materials may be, for example, medical grade biocompatible fabrics, biodegradable polymeric sheets, or form fitting or non-form fitting fillers for the cavity created by removal of a portion of the disc nucleus pulposus in the course of the disc fragment removal or discectomy. The prosthetic material can be placed in and around the intervertebral space, created by removal of the degenerated disc fragments.

Brief Description of the Drawings

[017] **Figure 1** shows a perspective view of an illustrative embodiment of an annulus stent.

[018] **Figure 2** shows a front view of the annulus stent of Figure 1.

[019] **Figure 3** shows a side view of the annulus stent of Figure 1.

[020] **Figures 4A-4C** show a front view of alternative illustrative embodiments of an annulus stent.

[021] **Figures 5A-5B** show the alternative embodiment of a further illustrative embodiment of an annulus stent.

[022] **Figures 6A-6B** show the alternative embodiment of a further illustrative embodiment of an annulus stent.

[023] **Figure 7** shows a primary closure of an opening in the disc annulus.

[024] **Figures 8A-8B** show a primary closure with a stent.

[025] **Figure 9** shows a method of suturing an annulus stent into the disc annulus, utilizing sub-annular fixation points.

[026] **Figures 10A-10B** show a further illustrative embodiment of an annulus stent with flexible bladder being expanded into the disc annulus.

5 [027] **Figures 11A-11D** show an annulus stent being inserted into the disc annulus.

[028] **Figures 12A- 12B** show an annulus stent with a flexible bladder being expanded.

10 [029] **Figure 13** shows a perspective view of a further illustrative embodiment of an annulus stent.

[030] **Figure 14** shows a first collapsed view of the annulus stent of Figure 13.

[031] **Figure 15** shows a second collapsed view of the annulus stent of Figure 13.

[032] **Figures 16A-16C** show the annulus stent of Figure 13 being inserted into the disc annulus.

15 [033] **Figures 17A-17C** show a method of inserting the annulus stent of Figure 13 into the disc annulus.

[034] **Figures 18A-18B** show a further illustrative embodiment of an annulus stent with a flexible bladder.

[035] **Figures 19A-19B** show another illustrative embodiment of an annulus stent with a flexible bladder.

20 [036] **Figure 20** shows an expanded annulus stent with on radial extensions.

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[037] **Figure 21** shows a still further illustrative embodiment of an annulus stent with the compressible core.

Detailed Description of the Invention

[038] The present invention provides methods and related materials for reconstruction of the disc wall cases of displaced, herniated, ruptured, or otherwise damaged intervertebral discs.

[039] In one embodiment of the present invention, as shown in Figure 7, a damaged annulus **42** is repaired by use of surgical sutures **40**. One or more surgical sutures **40** are placed at about equal distances along the sides of a pathologic aperture **44** in the annulus **42**. Reapproximation or closure of the aperture **44** is accomplished by tying the sutures **40** so that the sides of the aperture **44** are drawn together. The reapproximation or closure of the aperture **44** enhances the natural healing and subsequent reconstruction by the natural tissue (e.g., fibroblasts) crossing the now surgically narrowed gap in the annulus **42**. Preferably, the surgical sutures **40** are biodegradable, but permanent non- biodegradable may be utilized.

[040] Additionally, to repair a weakened or thinned wall of a disc annulus **42**, a surgical incision is made along the weakened or thinned region of the annulus **42** and one or more surgical sutures **40** can be placed at about equal distances laterally from the incision. Reapproximation or closure of the incision is accomplished by tying the sutures **40** so that the sides of the incision are drawn together. The reapproximation or closure of the incision enhances the natural healing and subsequent reconstruction by the natural

tissue crossing the now surgically narrowed gap in the annulus **42**. Preferably, the surgical sutures **40** are biodegradable, but permanent non- biodegradable materials may be utilized.

[041] In an alternative embodiment, the method can be augmented by the placement of a patch of human muscle fascia or any other autograft, allograft or xenograft in and across the aperture **44**. The patch acts as a bridge in and across the aperture **44**, providing a platform for traverse of fibroblasts or other normal cells of repair existing in and around the various layers of the disc annulus **42**, prior to closure of the aperture **44**.

[042] In a further embodiment, as shown in Figures 8A-B a biocompatible membrane can be employed as an annulus stent **10**, being placed in and across the aperture **44**. The annulus stent **10** acts as a bridge in and across the aperture **44**, providing a platform for a traverse of fibroblasts or other normal cells of repair existing in and around the various layers of the disc annulus **42**, prior to closure of the aperture **44**.

[043] In a preferred embodiment, as shown in Figures 1-3, the annulus stent **10** comprises a centralized vertical extension **12**, with an upper section **14** and a lower section **16**. The centralized vertical extension **12** can be trapezoid in shape through the width and may be from about 8mm - 12mm in length.

[044] Additionally, the upper section **14** of the centralized vertical extension **12** may be any number of different shapes, as shown in Figures 4A and 4B, with the sides of the upper section **14** being curved or with the upper section **14** being circular in shape. Furthermore, the annulus stent **10** may contain a recess between the upper section **14** and

the lower section **16**, enabling the annulus stent **10** to form a compatible fit with the edges of the aperture **44**.

[045] The upper section **14** of the centralized vertical extension **12** can comprise a slot **18**, where the slot **18** forms an orifice through the upper section **14**. The slot **18** is positioned within the upper section **14** such that it traverses the upper section's **14** longitudinal axis. The slot **18** is of such a size and shape that sutures, tension bands, staples or any other type of fixation device known in the art may be passed through, to affix the annulus stent **10** to the disc annulus **42**.

[046] In an alternative embodiment, the upper section **14** of the centralized vertical extension **12** may be perforated. The perforated upper section **14** contains a plurality of holes that traverse the longitudinal axis of upper section **14**. The perforations are of such a size and shape that sutures, tension bands, staples or any other type of fixation device known the art may be passed through, to affix the annulus stent **10** to the disc annulus **42**.

[047] The lower section **16** of the centralized vertical extension **12** can comprise a pair of lateral extensions, a left lateral extension **20** and a right lateral extension **22**. The lateral extensions **20** and **22** comprise an inside edge **24**, an outside edge **26**, an upper surface **28**, and a lower surface **30**. The lateral extensions **20** and **22** can have an essentially constant thickness throughout. The inside edge **24** is attached to and is about the same length as the lower section **16**. The outside edge **26** can be about 8mm-16mm in length. The inside edge **24** and the lower section B meet to form a horizontal plane,

essentially perpendicular to the centralized vertical extension **12**. The upper surface **28** of the lateral extensions **20** and **22** can form an angle from about 0°-60° below the horizontal plane. The width of the annulus stent **10** may be from about 3mm-5mm.

[048] Additionally, the upper surface **28** of the lateral extensions **20** and **22** may be barbed for fixation to the inside surface of the disc annulus **42** and to resist expulsion through the aperture **44**.

[049] In an alternative embodiment, as shown in Figure 4B, the lateral extensions **20** and **22** have a greater thickness at the inside edge **24** than at the outside edge **26**.

[050] In a preferred embodiment, the annulus stent **10** is a solid unit, formed from one or more of the flexible resilient biocompatible or bioresorbable materials well known in the art.

[051] For example, the annulus stent **10** may be made from:

[052] a porous matrix or mesh of biocompatible and bioresorbable fibers acting as a scaffold to regenerate disc tissue and replace annulus fibrosus as disclosed in, for example, U. S. Patent Nos. 5,108,438 (Stone) and 5,258,043 (Stone), a strong network of Miert fibers intermingled with a bloresorbable (or blosabsorbable) material which attracts tissue ingrowth as disclosed in, for example, U.S. Patent No, 4,904,260 (Ray et al.);

[053] a biodegradable substrate as disclosed in, for example, U.S. Patent No. 5,964,807 (Gan at al.); or

[054] an expandable polytetrafluoroethylene (ePTFE), as used for conventional vascular grafts, such as those sold by W.L. Gore and Associates, Inc. under the trademarks GORE-TEX and PRECLUDE, or by Impra, Inc. under the trademark IMPRA.

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[055] Furthermore, the annulus, stent **10**, may contain hygroscopic material for a controlled limited expansion of the annulus stent **10** to fill the evacuated disc space cavity.

[056] Additionally, the annulus stent **10** may comprise materials to facilitate regeneration of disc tissue, such as bioactive silica-based materials that assist in regeneration of disc tissue as disclosed in U.S. Patent No. 5,849,331 (Ducheyne, et al.), or other tissue growth factors well known in the art.

[057] In further embodiments, as shown in Figures 5AB-6AB, the left and right lateral extensions **20** and **22** join to form a solid pyramid or cone. Additionally, the left and right lateral extensions **20** and **22** may form a solid trapezoid, wedge, or bullet shape. The solid formation may be a solid biocompatible or bioresorbable flexible material, allowing the lateral extensions **20** and **22** to be compressed <sup>for insertion</sup> into aperture **44**, then to expand conforming to the shape of the annulus' **42** inner wall.

[058] Alternatively, a compressible core may be attached to the lower surface **30** of the lateral extensions **20** and **22**, forming a pyramid, cone, trapezoid, wedge, or bullet shape. The compressible core may be made from one of the biocompatible or bioresorbable resilient foams well known in the art. The core can also comprise a fluid-expandable membrane, e.g., a balloon. The compressible core allows the lateral extensions **20** and **22** to be compressed for insertion into aperture **44**, then to expand conforming to the shape of the annulus' **42** inner wall and to the cavity created by pathologic extrusion or surgical removal of the disc fragment.

[059] In an illustrative method of use, as shown in Figures 11A-D, the lateral extensions **20** and **22** are compressed together for insertion into the aperture **44** of the disc

annulus 42. The annulus stent 10 is then inserted into the aperture 44, where the lateral extensions 20, 22 expand. In an expanded configuration, the upper surface 28 can substantially conform to the contour of the inside surface of the disc annulus 42. The upper section 14 is positioned within the aperture 44 so that the annulus stent 10 may be secured to the disc annulus 42, using means well known in the art.

[060] In an alternative method, where the length of the aperture 44 is less than the length of the outside edge 26 of the annulus stent 10, the annulus stent 10 can be inserted laterally into the aperture 44. The lateral extensions 20 and 22 are compressed, and the annulus stent 10 can then be laterally inserted into the aperture 44. The annulus stent 10 can then be rotated inside the disc annulus 42, such that the upper section 14 can be held back through the aperture 44. The lateral extensions 20 and 22 are then allowed to expand, with the upper surface 28 contouring to the inside surface of the disc annulus 42. The upper section 14 can be positioned within, or proximate to, the aperture 44 in the subannular space such that the annulus stent 10 may be secured to the disc annulus, using means well known in the art.

[061] In an alternative method of securing the annulus stent 10 in the aperture 44, as shown in Figure 9, a first surgical screw 50 and second surgical screw 52, with eyeholes 53 located at the top of the screws 50 and 52, are opposingly inserted into the adjacent vertebrae 54 and 56 below the annulus stent 10. After insertion of the annulus stent 10 into the aperture 44, a suture 40 is passed down through the disc annulus 42, adjacent to the aperture 44, through the eye hole 53 on the first screw 50 then back up through the

disc annulus 42 and through the orifice 18 on the annulus stent 10. This is repeated for the second screw 52, after which the suture 40 is secured. One or more surgical sutures 40 are placed at about equal distances along the sides of the aperture 44 in the disc annulus 42. Reapproximation or closure of the aperture 44 is accomplished by tying the sutures 40 in such a fashion that the sides of the aperture 44 are drawn together. The reapproximation or closure of the aperture 44 enhances the natural healing and subsequent reconstruction by the natural tissue crossing the now surgically narrowed gap in the annulus 42. Preferably, the surgical sutures 40 are biodegradable but permanent nonbiodegradable forms may be utilized. This method should decrease the strain on the disc annulus 42 adjacent to the aperture 44, precluding the tearing of the sutures through the disc annulus 42.

[062] It is anticipated that fibroblasts will engage the fibers of the polymer or fabric of the intervertebral disc stent 10, forming a strong wall duplicating the currently existing condition of healing seen in the normal reparative process.

[063] In an additional embodiment, as shown in Figures 10A-B, a flexible bladder 60 is attached to the lower surface 30 of the annulus stent 10. The flexible bladder 60 comprises an internal cavity 62 surrounded by a membrane 64, where the membrane 64 is made from a thin flexible biocompatible material. The flexible bladder 60 is attached to the lower surface 30 of the annulus stent 10 in an unexpanded condition. The flexible bladder 60 is expanded by injecting a biocompatible fluid or expansive foam, as known in the art, into the internal cavity 62. The exact size of the flexible bladder 60 can be varied for

different individuals. The typical size of an adult nucleus is about 2 cm in the semi-minor axis, 4 cm in the semi-major axis, and 1.2 cm in thickness.

[064] In an alternative embodiment, the membrane **64** is made of a semi-permeable biocompatible material.

5 [065] In a preferred embodiment, a hydrogel is injected into the internal cavity **62** of the flexible bladder **60**. A hydrogel is a substance formed when an organic polymer (natural or synthetic) is cross-linked via, covalent, ionic, or hydrogen bonds to create a three-dimensional open-lattice structure, which entraps water molecules to form a gel. The hydrogel may be used in either the hydrated or dehydrated form.

10 [066] In a method of use, where the annulus stent **10** has been inserted into the aperture **44**, as has been previously described and shown in Figures **12 A-B**, an injection instrument, as known in the art, such as a syringe, is used to inject the biocompatible fluid or expansive foam into the internal cavity **62** of the flexible bladder **60**. The biocompatible fluid or expansive foam is injected through the annulus stent **10** into the internal cavity **62**  
15 of the flexible bladder **60**. Sufficient material is injected into the internal cavity **62** to expand the flexible bladder **60** to fill the void in the intervertebral disc cavity. The use of the flexible bladder **60** is particularly useful when it is required to remove all or part of the intervertebral disc nucleus.

20 [067] The surgical repair of an intervertebral disc may require the removal of the entire disc nucleus, being replaced with an implant, or the removal of a portion of the disc nucleus thereby leaving a void in the intervertebral disc cavity. The flexible bladder **60**



allows for the removal of only the damaged section of the disc nucleus, with the expanded flexible bladder **60** filling the resultant void in the intervertebral disc cavity. A major advantage of the annulus stent **10** with the flexible bladder **60** is that the incision area in the annulus **42** can be reduced in size, as there is no need for the insertion of an implant

5 into the intervertebral disc cavity.

[068] <sup>B16</sup> In an alternative method of use, a dehydrated hydrogel is injected into the internal cavity **62** of the flexible bladder **60**. Fluid, from the disc nucleus, passes through the semipermeable membrane **64** hydrating the dehydrated hydrogel. As the hydrogel absorbs the fluid the flexible bladder **60** expands, filling the void in the intervertebral disc cavity.

10 [069] In an alternative embodiment, as shown in Figure 13, the annulus stent **10** is substantially umbrella shaped, having a central hub **62** with radially extending struts **64**. Each of the struts **64** is joined to the adjacent struts **64** by a webbing material **66**, forming a radial extension **76** about the central hub **62**. The radial extension **76** has an upper surface **68** and a lower surface **70**, where the upper surface **68** contours to the shape of the disc annulus' **42** inner wall. The radial extension **76** may be substantially circular, elliptical, or rectangular in shape. Additionally, as shown in Figure 20, the upper surface **68** of the radial extension **76** may be barbed **82** for fixation to the disc annulus' **2** inner wall and to resist expulsion through the aperture **42**.

15 [070] As shown in Figures 14 and 15, the struts **64** are formed from flexible material, allowing the radial extension **76** to be collapsed for insertion into aperture **44**,

then the expand conforming to the shape of the inner wall of disc annulus **42**. In the collapsed position, the annulus stent **10** is substantially frustoconical or shuttlecock shaped, and having a leading end **72**, comprising the central hub **62**, and a tail end **74**.

[071] In an alternative embodiment, the radial extension **76** has a greater  
5 thickness at the central hub **62** edge than at the outside edge.

[072] <sup>1311</sup> In an embodiment, the annulus stent **10** is a solid unit, formed from one or more of the flexible resilient biocompatible or bioresorbable materials well known in the art.

[073] <sup>1312</sup> Additionally, the annulus stent **10** may comprise materials to facilitate regeneration of disc tissue, such as bioactive silica based materials that assist in  
10 regeneration of disc tissue as disclosed in U.S. Patent No. 5,849,331 (Ducheyne, et al.), or other tissue growth factors well known in the art.

[074] <sup>1313</sup> Alternatively, as shown in Figure 21, a compressible core **84** may be attached to the lower surface **70** of the radial extension **76**. The compressible core **84** may be made from one of the biocompatible or bioresorbable resilient foams well known in the  
15 art. The compressible core **84** allows the radial extension **76** to be compressed for insertion into aperture **44** then to expand conforming to the shape of the disc annulus' **42** inner wall and to the cavity created by pathologic extrusion or surgical removal of the disc fragment.

[075] In an additional embodiment, as shown in Figure 18A and 18B, a flexible  
20 bladder **80** is attached to the lower surface **70** of the annulus stent **10**. The flexible bladder **80** comprises an internal cavity **86** surrounded by a membrane **88**, where the membrane

88 is made from a thin flexible biocompatible material. The flexible bladder 86 is attached to the lower surface 70 of the annulus stent 10 in an unexpanded condition. The flexible bladder 80 is expanded by injecting a biocompatible fluid or expansive foam, as known in the art, into the internal cavity 86. The exact size of the flexible bladder 80 can be varied for different individuals. The typical size of an adult nucleus is 2 cm in the semi-minor axis, 4 cm in the semi-major axis and 1.2 cm in thickness.

[076] In an alternative embodiment, the membrane 88 is made of a semi-permeable biocompatible material.

[077] In a method of use, as shown in Figures 16A-16C, the radial extension 76 is collapsed together, for insertion into the aperture 44 of the disc annulus 42. The radial extension 76 is folded such the upper surface 68 forms the inner surface of the cylinder. The annulus stent 10 is then inserted into the aperture 44, inserting the leading end 72 through the aperture 44 until the entire annulus stent 10 is within the disc annulus 42. The radial extension 76 is released, expanding within the disc 44. The upper surface 68 of the annulus stent 10 contours to the inner wall of disc annulus 42. The central hub 62 is positioned within the aperture 44 so that the annulus stent 10 may be secured to the disc annulus 42 using means well known in the art.

[078] It is anticipated that fibroblasts will engage the fibers of the polymer of fabric of the annulus stent 10, forming a strong wall duplicating the currently existing condition of healing seen in the normal reparative process.

[079] <sup>314</sup> In an alternative method of use, as shown in Figures 17A-17C, the radial extension **76** is collapsed together for insertion into the aperture **44** of the disc annulus **42**. The radial extension **76** is folded such that the upper surface **68** forms the outer surface of the cylinder. The annulus stent **10** is then inserted into the aperture **44**, inserting the tail end **74** through the aperture **44** until the entire annulus stent **10** is in the disc. The radial extension **76** is released, expanding within the disc. The upper surface **68** of the annulus stent **10** contours to the disc annulus **42** inner wall. The central hub **62** is positioned within the aperture **44** so that the annulus stent **10** may be secured to the disc annulus **42**, using means well known in the art.

[080] <sup>315</sup> In an embodiment, the barbs **82** on the upper surface **68** of the radial extension **76** engage the disc annulus' **42** inner wall, holding the annulus stent **10** in position.

[081] In a method of use, as shown in Figures 12A-12B, where the annulus stent **10** has been inserted into the aperture **44**, as has been previously described. Similarly, for the stent shown in Figures 16 through 21, an injection instrument, as known in the art, such as a syringe, can be used to inject the biocompatible fluid or expansive foam into the internal cavity **86** of the flexible bladder **80**. The biocompatible fluid or expansive foam is injected through the annulus stent **10** into the internal cavity **86** of the flexible bladder **80**. Sufficient material is injected into the internal cavity **86** to expand the flexible bladder **80** to fill the void in the intervertebral disc cavity. The use of the flexible bladder **80** is particularly useful when it is required to remove all or part of the intervertebral disc nucleus.

All patents referred to or cited herein are incorporated by reference in their entirety to the extent they are not inconsistent with the explicit teachings of this specification, including; U.S. Patent No. 5,108,438 (Stone), U.S. Patent No. 5,258,043 (Stone), U.S. Patent No. 4,904,260 (Ray et al.), U.S. Patent No. 5,964,807 (Gan et al.), U.S. Patent No. 5,849,331 (Ducheyne et al.), U.S. Patent No. 5,122,154 (Rhodes), U.S. Patent No. 5,204,106 (Schepers et al.), U.S. Patent No. 5,888,220 (Felt et al.) and U.S. Patent No. 5,376,120 (Sarver et al.).

It should be understood that the examples and embodiments described herein are for illustrative purposes only and that various modifications or changes in light thereof will be suggested to persons skilled in the art and are to be included within the spirit and preview of this application and the scope of the appended claims.